



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
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Public Hearing Date:	October 14, 2008
Land Use Action Date:	December 16, 2008
Board of Aldermen Action Date:	January 5, 2009
90-Day Expiration Date:	January 12, 2009

DATE: October 10, 2008

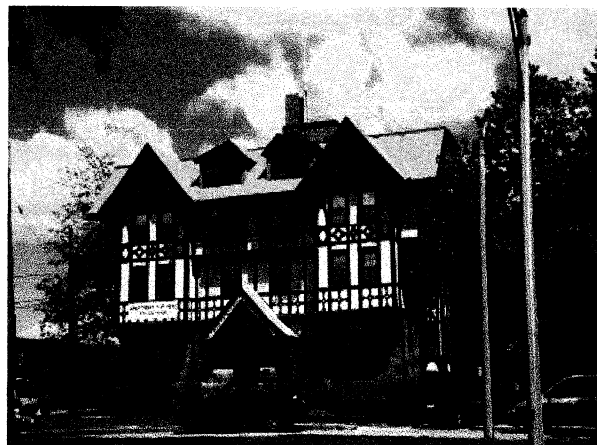
TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner *CH*
Maurya Sullivan, Principal Planner/Telecommunications Specialist

SUBJECT: #320-08 METROPCS MASSACHUSETTS LLC/ZUSSMAN 219 REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for installation of wireless communications including 6 panel antennae inside a new fiberglass roof-mounted faux chimney; 1 GPS antenna mounted on the penthouse roof; 1 condenser on the roof; and associated equipment to be located beneath the parking area at the rear at 219 COMMONWEALTH AVENUE, Ward 7, on land known as Section 63, Block 8, Lot 19 containing 10,347 sq. ft of land in a district zoned MULTI RESIDENCE 1.

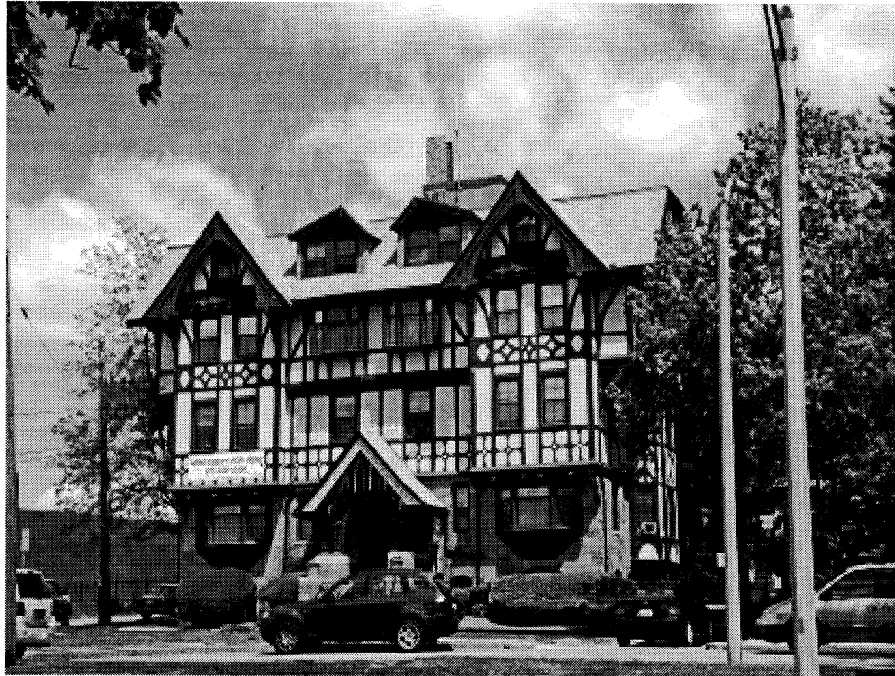
CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioner, MetroPCS, is a licensed wireless mobile phone carrier and is building out a new system to compete with existing carriers (T-Mobile, AT&T, Verizon and Sprint) in the Boston metro region. The petitioner proposes to install six panel antennas inside a new fiberglass roof-mounted faux chimney, one GPS antenna on the penthouse roof, and a condenser on the roof. Associated equipment will be located beneath the parking area at the rear of this historic 4½-story multi-family dwelling at 219 Commonwealth Avenue. Their installation is proposed near two other wireless installations, which is encouraged by the City's Wireless Communication Ordinance. However, the Newton and Massachusetts Historical Commissions expressed concerns about the height, placement and color of the installations and requested revised plans that address their concerns.



I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition the Board should consider whether:

- this is an appropriate location for a wireless installation; and
- the addition of a false chimney to enclose the antennas and condenser on the roof will have an adverse impact on this historically significant building and/or the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on the north side of Commonwealth Avenue along the carriage lane in Chestnut Hill. Two two-family dwellings and the Mount Alvernia Academy are located to the north of the subject property. A City reservoir is located to the west and to the east is a four-story condominium building. The subject site is within a small Multi-Residence 1 District, along both sides of Commonwealth Avenue, which is surrounded by a larger Single Residence 2 District. The City's reservoir to the west is within a Public Use District. This site is in the Commonwealth Avenue Historic District, which is listed in the National and State Registers of Historic Places and also individually listed in the National and State Registers of Historic Places.

B. Site

The site is a lot of approximately 10,347 square feet in area. The property is improved with an historic 4½-story apartment building circa 1899. The roof of the property presently contains two other wireless installations: 1) three T-Mobile panel antennas located within a false chimney attached to one of two penthouses pursuant to Board Order #270-02(2) (*ATTACHMENT "A"*); and 2) a Verizon installation of 12 antennas screened by false penthouse façades approved by Board Order #124-06 (*ATTACHMENT "B"*). The roof also has three existing whip antennas attached to the two penthouses, an existing dish antenna, and a GPS antenna; the whip antennas and dish antennas are not subject to building permits. The adjacent property, 209 Commonwealth Avenue, has an installation of wireless panel antennas hidden behind a false penthouse wall on the roof (B.O. #337-05).

III. PROJECT DESCRIPTION AND ANALYSIS

The petitioner proposes to mount a 12' fiberglass false chimney on the roof to house six panel antennas. A GPS antenna is proposed on the penthouse roof and a condenser is proposed to be mounted adjacent to the penthouse. Based on the information provided by the petitioner, the proposed installation is needed as part of a regional system to provide mobile phone service. Approval of this petition would result in the co-location of wireless equipment, which is encouraged by the City's Wireless Communication Ordinance. The proposed antenna installation will meet the Design and Operating Criteria established in Section 30-18A(c) of the City's Zoning Ordinance. The proposed antennas will not change the use of the site as an apartment building.



Section 30-18A(c)(9) states that “historic resources...include designated historic structures or sites, historical architectural elements or archaeological sites and shall comply with the requirements of the historic district and the landmark preservation ordinances...” The Newton Historical Commission (NHC) reviewed this proposal and requests “that the stealth chimney originate or at least *appear* to originate from the roof rather than the penthouse,” be color-coordinated to match existing chimneys and/or be moved to the rear of the building so as to be less visible from the National Register District (*ATTACHMENT “C”*). The Massachusetts Historical Commission has requested that the petitioner submit a revised design, addressing the concerns noted by the NHC. (*ATTACHMENT “D”*). *The petitioner should be prepared to respond to these issues at the public hearing.*

IV. COMPREHENSIVE PLAN

There is little discussion of wireless installations in the *Newton Comprehensive Plan*, adopted by the Board of Aldermen on November 19, 2007. However, it makes a commitment to “Planning for and with History” by recognizing that history changes over time and is “layered” with features that result from changes in transportation, economic activities, public policies *and* technology. In this case, the challenge is one of determining the proper emphasis between preservation of an historic structure and incorporation of new technology.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, dated August 15, 2008 (*ATTACHMENT “D”*), the petitioner is seeking approval through or relief from:

- §30-18A (e)(6), which allows the Board of Aldermen to grant a special permit for building-mounted wireless communication equipment on multi-family structures in a Multi Residence 1 District not otherwise allowed as-of-right;
- §30-18A (10), which allows the Board of Aldermen to grant a special permit for the condenser on the roof;
- §30-24, which allows the Board of Aldermen to grant a special permit for building-mounted wireless communication equipment when Section 30-18A (a)&(c) have been satisfied;
- §30-23, which allows the Board of Aldermen to grant Site Plan Approval; and
- §30-24 would also allow the Board of Aldermen to grant an amendment to either of the existing special permits [B.O. #270-02(2) or B.O. #124-06].

VI. OTHER REVIEWS

Historic Reviews. The petitioner appeared before the Newton Historical Commission on July 24, 2008. The Massachusetts Historical Commission reviewed plans and comments provided by the Newton Historical Commission in August 2008.

VII. Summary of Petitioners' Responsibilities

The petitioner should request a determination from the Massachusetts Historical Commission that the proposed installation would have "no adverse effect" on this historic property.

ATTACHMENTS:

ATTACHMENT A: **BOARD ORDER #270-02(2)**

ATTACHMENT B: **BOARD ORDER #124-06**

ATTACHMENT C: **NEWTON HISTORICAL COMMISSION REVIEW LETTER**

ATTACHMENT D: **MASSACHUSETTS HISTORICAL COMMISSION REVIEW LETTER**

ATTACHMENT E: **ZONING REVIEW**

ATTACHMENT F: **VICINITY MAP**

ATTACHMENT A

#270-02(2)

CITY OF NEWTON

IN BOARD OF ALDERMEN

February 18, 2003

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants the following SPECIAL PERMIT for building-mounted wireless communication equipment and SITE PLAN APPROVAL, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the installation of wireless communication equipment will provide additional wireless services to Newton citizens who use personal communication devices.
2. The Board finds that the proposed installation will enhance the communication needs of the community.
3. The Board finds that the antennas will be housed in either a faux chimney or faux stovepipe, which will minimize the visual impacts of the installation.
4. The Board finds that installation will result in co-location on a site and structure where other antennas currently exist.

PETITION NUMBER: 270-02(2)

PETITIONER: Omnipoint Holdings, Inc., a division of T-Mobile, formerly VoiceStream Wireless

LOCATION: 219 Commonwealth Avenue, Ward 7, Section 63, Block 08, Lot 19.

OWNER: I. Zussman 219 Realty Trust

ADDRESS OF OWNER: 93 Union Street, #315,
Newton Centre, MA 02459.

TO BE USED FOR: Installation and operation of a wireless telecommunication facility.

CONSTRUCTION: Fiberglass and steel.

EXPLANATORY NOTE: Section 30-18A(e)(6) allows the Board of Aldermen to grant a special permit for building-mounted wireless communication equipment on a multi-family structure in a Multi Residence I District not otherwise allowed as-of-right.

Land referred to is located in a Multi Residence I District.

Approved, subject to the following conditions:

1. The 3 antennas, the faux chimney (or stovepipe), and all related equipment, associated with the operation of these antennas, shall be located and constructed consistent with the following plans:
 - a. Architectural and Detail Plans, consisting of five sheets titled, "VoiceStream Wireless, Newton-Chandler Pond, Site Number: 4DE—0379—B," revised 2/4/03, prepared by Westcott and Mapes, Inc., consisting of five sheets including the following:
 - i.) Sheet T-1, "Title Sheet;"
 - ii.) Sheet A-1, "Plans, Details and Notes,"
 - iii.) Sheet A-2, "Elevations and Details,"
 - iv.) Sheet S-1, "Structural Notes, Sections and Details," and
 - v.) Sheet E-1, "Electrical and Grounding Notes, Risers, and Details."
2. The petitioner shall seek approval from the Massachusetts Historical Commission and the Newton Historical Commission to permit the 3 whip antennas to be housed in a faux chimney consistent with the elevations cited in condition 1. If either Commission fails to approval the faux chimney installation, the Board approves the faux stovepipe canister as an acceptable means for concealment. The canister shall be installed as per the following plans/elevations:
 - a. Sheet A-1, "Plans, Details and Notes" (Last Revised 6/12/02),
 - b. Sheet A-2, "Elevations and Details" (Last Revised 6/12/02),
 - c. Sheet S-1, "Structural Notes, Sections and Details" (Last revised 6/12/02).

3. This Special Permit shall be limited to the use of Omnipoint Holdings, Inc., a division of T-Mobile, formerly VoiceStream Wireless, its successors and assigns, and shall not be transferable.
4. The petitioner shall submit material samples and colors of either the faux chimney or stovepipe to the Director of Planning and Development for review and approval.
5. The equipment and faux chimney or stovepipe will be kept in good appearance and in good operating order at all times.
6. If the petitioner ceases to use its antennas at this location, the petitioner shall be responsible for the removal of its antennas and the faux chimney or stovepipe within thirty (30) days of the termination of such use.
7. If new technological changes permit smaller or internal equipment, the petitioner shall take advantage of such changes and replace the equipment approved herein to the extent feasible at this location, and approval for such replacement shall not be unreasonably withheld by the property owner of 219 Commonwealth Avenue.
8. If at some future date the City of Newton makes its Waban Hill tower site available to private wireless communication providers, the petitioner agrees to seek to relocate its antennas to such site provided that such relocation is financially reasonable for the petitioner and all necessary approvals, including but not limited to zoning approvals, are received by the petitioner for such relocation.
9. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. The petitioner has submitted alternative plans with the faux chimney to Massachusetts Historical Commission and Newton Historical Commission for review and has forwarded a copy of their written decision to the Planning Department and City Clerk and the Commissioner of Inspectional Services Department.
 - b. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - c. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
10. That no portion of the site subject to this SPECIAL PERMIT/SITE PLAN APPROVAL shall be occupied until:

- a. The petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development, a statement by a registered architect or registered engineer certifying compliance with Conditions 1.
- b. The petitioner has submitted material and color samples, per condition #4, to the Director of Planning and Development for review and approval.

Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 3 absent (Ald. Ciccone, Merrill, Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on March 3, 2003. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:

(SGD) EDWARD G. ENGLISH, City Clerk

Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on _____ and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:

(SGD) EDWARD G. ENGLISH, City Clerk

Clerk of the Board of Aldermen

#124-06

CITY OF NEWTON

IN BOARD OF ALDERMEN

May 15, 2006

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants the following SPECIAL PERMIT and SITE PLAN APPROVAL for the installation of 12 wireless antennas, 2 GPS antennas and 2 condenser units on the roof of an existing multi-family building, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman George E. Mansfield:

1. The Board finds that the public convenience and welfare will be served through the installation of the 12 wireless antennas and 2 GPS antennas on the roof of the building because:
 - a. This wireless provider will be able to provide greater coverage and improved services for its customers;
 - b. The antennas and two roof-mounted condenser units will be well-screened and should have no adverse visual impact on surrounding neighborhood;
 - c. There should be no adverse impacts from the ancillary equipment since it will be located in the basement of the building, away from the residents and abutters;
 - d. The level of noise from roof-mounted condenser units should be negligible, and should have no adverse impacts on the residents of this building or surrounding neighborhood.

PETITION NUMBER: #124-06

PETITIONER: Bell Atlantic Mobile of Massachusetts Corp, LTD. D/B/A
Verizon Wireless / I. Zussman 219 Realty Trust

LOCATION: 219 Commonwealth Avenue, Ward 7, Section 63, Block 8,
Lot 19

OWNER: Debra L. Peck, Trustee of I. Zussman 219 Realty Trust

ADDRESS OF OWNER: 93 Union Street, Suite 315 Newton, MA 02459

TO BE USED FOR: Installation of 12 wireless antennas, 2 GPS antennas and 2 condenser units on the roof, with the ancillary equipment installed in the basement area, under existing parking facility.

CONSTRUCTION: Fiberglass screening walls, painted to match existing penthouse.

EXPLANATORY NOTE: Section 30-18A(e)(6) allows the Board to grant a special permit for building-mounted wireless communication equipment on a multi-family structure in a Multi Residence I District not otherwise allowed as-of-right; Section 30-18A(e)(10) allows the Board to grant a special permit for the ancillary equipment to be sited in a location other than the rear yard; and Section 30-24(d) allows the Board to grant a special permit for building mounted wireless communication equipment when Section 30-18A (a) and (c) have been satisfied.

Land referred to is located in a Multi Residence 1 District.

Approved, subject to the following conditions:

1. The 12 antennas, 2 GPS antennas and two roof-mounted condensers and screenwalls shall be located and constructed consistent with the plans prepared by Ronald J. Jackson , P.E., of Bay State Design Associates, Inc., 70 Tower Office Park, Woburn, MA including the following sheets:
 - a. Sheet T-1 entitled "The Chestnut Hill" dated revised 2/7/06
 - b. Sheet C-1 entitled "Existing Conditions" dated revised 4/12/05 signed by Paul R. Lussier, PLS, Huntley Associates 30 Industrial Drive East, Northhampton, MA
 - c. Sheet C-2 entitled "Site Plan" dated revised 2/7/06
 - d. Sheet A-1 entitled "Roof Plan" dated revised 4/25/06
 - e. Sheet A-2 Entitled "Elevations" dated revised 4/25/06
2. This Special Permit shall be limited to the use of Bell Atlantic Mobile of Massachusetts Corp, LTD. D/B/A Verizon Wireless or its successors and shall not be transferable.
3. The petitioner shall submit material samples and colors for the proposed screen walls at the existing penthouses to the Director of Planning & Development for review and approval.
4. The equipment will be kept in good appearance and in good operating order at all times.

5. If the wireless communication use ceases, the petitioner shall be responsible for the removal of the equipment within thirty (30) days.
6. If new technological changes permit smaller or internal equipment, the petitioner shall take advantage of such changes and replace the equipment approved herein to the extent feasible at this location, and approval for such replacement shall not be unreasonably withheld by the property owner of 219 Commonwealth Avenue.
7. In the event that the City issues a Request for Proposals to lease the City owned tower on Waban Hill for commercial wireless communication purposes, the petitioner shall submit a Proposal to the City for such use. If the petitioner's Proposal is successful, the petitioner shall submit an application for Special Permit and Site Plan Approval to the Board of Aldermen if required by Section 30-18A of the Zoning Ordinance to re-locate antennas approved by to this special permit to the City owned tower. If the installation of the antennas and all appurtenant equipment at the Waban Hill tower and site is approved by the Board of Aldermen, or if such installation can be done "by-right", the petitioner shall remove the 12 antennas and all appurtenant equipment permitted under this Special Permit from 219 Commonwealth Avenue within 30 days of the issuance of an occupancy permit for the antennas on the City owned tower.
8. The petitioner shall comply with the City's Noise Ordinance, Section 20-13 of the Revised Ordinances of the City of Newton, 2001.
9. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
 - c. The petitioner shall have submitted the material samples and colors of proposed screenwalls in accordance with Condition 3. above.
10. That no portion of the site subject to this SPECIAL PERMIT/SITE PLAN APPROVAL shall be occupied until:
 - a. The petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development, a statement by a registered architect or registered engineer certifying compliance with Condition 1.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Alderman Danberg)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on May 18, 2006. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:

(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on _____ and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:

(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

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(617) 796-1089

July 29, 2008

Mr. Jason Roback
ATC Associates
600 West Cummings Park, Suite 500
Woburn, MA 01801

RECEIVED

JUL 30 2008

MASS. HIST. COMMISSION

⊗ 31112

RE: Historical Inquiry Metro PCS Site #BOS0349A-219 Commonwealth Avenue
MHC# RC.311112

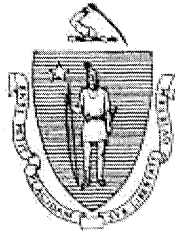
Dear Mr. Roback,

At its July 24th meeting, the Newton Historical Commission reviewed the requested materials provided including plans and photosimulations. The Newton Historical Commission has the following comments about the proposed installation. The proposed chimney as depicted on plans and photosimulations will be located on top of a penthouse and will be higher than the existing stealth chimney and tan or brownish in color. The commission requests that an alternative location be explored to the rear of the building away from Commonwealth Avenue and less visible from the National Register District. The commission requests that the proposed stealth chimney originate or at least appear as if it originates from the roof rather than penthouse giving it the appearance of a real chimney, as the existing stealth chimney does. Furthermore, the commission requests that the stealth chimney be red (matching the existing real chimneys) in color giving it the appearance of a real chimney rather than as shown. A materials and color sample of the stealth chimney should also be submitted and approved by city preservation staff.

Thank You,

Brian Lever
Senior Preservation Planner

C.C. Ms. Brona Simon, SHPO & Executive Director
Massachusetts Historical Commission



ATTACHMENT D

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

August 26, 2008

Jason Roback
ATC Associates
600 West Cummings Park, Suite 500
Woburn, MA 01801

RE: Telecommunications Installation
Rooftop Chestnut Hotel, 219 Commonwealth Avenue, Newton, MA; MHC# RC.31112
MetroPCS Site Number BOS0349A

Dear Mr. Roback:

The Massachusetts Historical Commission (MHC) has reviewed the comments from the Newton Historical Commission, received July 30, 2008, and the information you submitted, received July 14, 2008, concerning the proposed project referenced above. The subject property at 219 Commonwealth Avenue, historically known as The Chestnut Hill, is located within the Commonwealth Avenue Historic District and is listed in the National and State Registers of Historic Places. The Chestnut Hill is also individually listed in the National and State Registers of Historic Places. After a review of the information submitted, MHC staff have the following comments.

The proposed project consisting of a rooftop installation of antennas within a stealth chimney is described in the additional information and the Form 621 that were submitted to this office, received July 14, 2008, and March 3, 2008.

The MHC looks forward to receiving and reviewing a new design that meets the requirements of the comments from the Newton Historical Commission addressed in their July 29, 2008, letter, received at the MHC on July 30, 2008.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800) and M.G.L. Chapter 9, Section 26-27C, as amended by Chapter 254 of the Acts of 1988 (950 CMR 71.00). Please do not hesitate to contact me at this office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan T. Maciej".

Ryan T. Maciej
Preservation Planner
Massachusetts Historical Commission

cc: Newton Historical Commission
Brian Lever, Department of Planning and Development

Zoning Review Memorandum..

Proposed Wireless Communication Installation

Date: August 15, 2008

To: John Lojek, Commissioner of Inspectional Services

From: Candace Havens, Chief Planner *CH*
 Maurya Sullivan, Principal Planner/Telecommunications Specialist *MS*

cc: Mike Kruse, Director of Planning and Development
 Scott Lacy, Esq., representing MetroPCS

Re: **Proposed installation of wireless communication equipment on multi-family residential building in residential zone**

Applicant: MetroPCS, LLC

Site: 219 Commonwealth Ave. Zoning: MR-1 Use: Multi-unit apartment building	SBL: Section 63, Block 08, Lot 19 Lot Area: 10,347 sq. ft.
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Type of Installation:

- ☐ Residential, per Section 30-18A(d)(1)*
- ☐ Amateur, per Section 30-18A(d)(2)
- ☐ Commercial interior-mounted, per Section 30-18A(d)(3)
- ☐ Commercial interior-mounted, located in residential districts, per Section 30-18A(d)(3)
- ☐ Commercial interior-mounted, located in residential districts, per Section 30-18A(e)(1)
- ☒ Commercial roof-mounted, located in residential districts, per Section 30-18A(e)(6)
- ☐ Commercial façade-mounted, per Section 30-18A(d)(5)
- ☐ Commercial façade-mounted, located in residential districts, per Section 30-18A(e)(3)
- ☐ Commercial interior-mounted, located in public use districts, per Section 30-18A(d)(6)
- ☐ Non-residential satellite earth station antennas, per Section 30-18A(d)(7)*
- ☐ Commercial free-standing monopole, per Section 30-18A(e)(7)

-
- ☒ The applicant has submitted a copy of the application to the Director of Planning and Development for Administrative Site Plan review, per Section 30-18A(g) for compliance with Section 30-18A(c).

Background:

Prior Board Orders #270-02(2) and #124-06 authorized Omnipoint/T-Mobile and Bell Atlantic Nynex/Verizon respectively to install wireless communication equipment on the roof of the subject apartment building, a National Register District historical structure constructed in the 1890's. The current applicant, a competing wireless company, seeks to install additional wireless communication equipment on the roof at 219 Commonwealth Avenue as follows:

- Six (6) panel antennas inside a new fiberglass faux chimney mounted on the roof of the existing rear penthouse.
- One (1) GPS antenna mounted on the penthouse roof.
- One (1) condenser on the roof.
- Underground equipment room located beneath the parking area at the rear of the site.

The applicant seeks approval pursuant to Section 30-18A(e)(6), *Wireless Communication Equipment Allowed by Special Permit* due to its roof placement and location on a multi-family structure within a residential zone wherein such wireless equipment is not allowed as of right.

Administrative determinations

1. Section 30-18A(e)(6) requires a special permit for building-mounted wireless communication equipment on a multi-family structure within a residential zone.
2. Section 30-18A(c)(12) requires compliance with the Newton Noise Ordinance. The report submitted by the applicant indicates noise-generating ancillary equipment will meet Newton standards.
3. The submitted plans and information comply with the Newton Zoning Ordinance unless otherwise noted below per the table titled "Summary - Wireless Installation Criteria".
4. See table "Zoning Relief Summary" below.

Summary - Wireless Installation Criteria		
Ordinance		Complies
	Residential Installation	
30-18A(d)(1)	N/A	N/A
	Amateur Installation	
30-18A(d)(2)	N/A	N/A
	Commercial Installation	
30-18A(d)(3)-(5)	Located in Business, Manufacturing, or Mixed Use zone	N/A
	Design and Operating Criteria	
30-18A(c)(1)	Applicant has submitted a report from a qualified professional indicating compliance with Federal and Mass. laws and regulations pertaining to radio frequency emissions and related requirements.	Yes
30-18A(c)(1)	Applicant has submitted a copy of the applicable FCC licenses.	Yes
30-18A(c)(2)	Applicant agrees to maintain equipment in good and safe condition and comply with all applicable FCC standards.	Yes
30-18A(c)(3)	Proposed installation is suitably screened and camouflaged.	Yes
Summary - Wireless Installation Criteria continued		
Ordinance		Complies
30-18A(c)(4)	Fencing controlling access to installation is compatible with neighborhood.	N/A

30-18A(c)(5)	Equipment boxes must be located in interior of building, be completely camouflaged, or completely screened from view from the public way.	Yes
30-18A(c)(6)	Free standing wireless installation must meet setback requirements; shall be screened from the public way; shall be located in the rear yard of the subject lot.	N/A
30-18A(c)(7)	No part of any building-mounted installation shall be located over a public way.	N/A
30-18A(c)(8)	Installation avoids major topographic changes; minimizes removal of trees and soil in a manner compatible with appearance of neighborhood.	N/A
30-18A(c)(9)	Installation avoids removal or disruption of historic resources on and off site.	TBD*
30-18A(c)(10)	Illumination complies. (Installation will not be illuminated.)	Yes
30-18A(c)(11)	Complies with requirements pertaining to amateur radio operations.	N/A
30-18A(c)(12)	Applicant has submitted a report from a qualified acoustical engineer indicating installation complies with City of Newton Noise Ordinance.	Yes

Zoning Relief Summary

<i>Ordinance</i>		<i>Action Required</i>
	Wireless Communication Installation	
30-18A(e)(6)	Approval of multiple roof-mounted antennas and ancillary equipment on a multi-family residential building in the MR-1 zone.	X
30-18A(e)(6)	Approval of 1 roof-mounted GPS antennae affixed to roof of penthouse on a multi-family residential building in the MR-1 zone.	X
	Extension of Non-conforming Structure	X
30-21(b); 30-15 Table 1	Not applicable	
	Site	N/A
30-23	Approval of site plan	
	Special Permit	X
30-24(d)	Approval of special permit.	
	Zoning Board of Appeals	X
	Not applicable.	
		N/A

TBD* = To be determined.

References

- Board Order #124-06, dated May 15, 2006 granting a special permit for rooftop wireless installation by Bell Atlantic Nynex Mobile/dba Verizon at 219 Commonwealth Ave.
- Board Order #270-02(2), dated February 18, 2003 granting a special permit for rooftop wireless installation by Omnipoint/T-Mobile at 219 Commonwealth Ave.

Plans & materials reviewed:

- Information packet prepared by Scott F. Lacy, Anderson & Kreiger, LLP dated July 9, 2008
- Reuter Associates Noise Study dated August 4, 2008
- Plan set titled "metroPCS, 219 Commonwealth Ave., Newton, MA 02467", last revised 5/13/08, prepared by Aerial Spectrum, 599 North Ave., Wakefield, MA 01880, stamped and signed by Paul Mucci, Registered Professional Engineer, consisting of the following:
 - Sheet T-1, Title Sheet
 - Sheet C-1, Site Plan
 - Sheet Z-1, Plans
 - Sheet Z-2, Elevations
 - Sheet Z-3, Equipment Details

